THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13305 of 2006

Dated: 08-11-2006

Between:

A. Naga Gowtham.

..... PETITIONER

AND

The Joint Sub-Registrar, Serilingampally,
Ranga Reddy District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.13305 of 2006

ORDER:

The petitioner purchased land admeasuring 390 sq. yards (plot No.29) in survey No.23 situated at Gachibowli Village, Lingampally Mandal in Ranga Reddy District under registered sale deed bearing document No.4892/1990 dated 18-04-1990 from respondents 3 and 4. He alleges that due to escalation of prices of land in Gachibowli, respondents 3 and 4 are taking steps to cancel the said sale deed. He also alleges that the sale deed executed by respondents 3 and 4 in favour of one D. Vijaya was cancelled unilaterally. Apprehending that his sale deed of 1990 might be cancelled by the respondents, the petitioner seeks a writ of Mandamus declaring the action of the Registering Authority in trying to register the cancellation deed as illegal and arbitrary.

This writ petition is filed on mere apprehension that the sale deed might be cancelled. When the petitioner has suspicion that his sale deed might be cancelled, nothing prevents him to raise objections before the Registering Authority at the time of registration. Further, a Full Bench of this Court in **Yanala Malleshwari v. Smt. Ananthula Sayamma**[1] has laid down that a writ petition seeking invalidation of a cancellation deed (cancelling earlier sale deed) is not maintainable and the person has to seek remedy by filing a suit in civil Court. In view of this, present writ petition cannot be entertained. The petitioner may raise his objections at the time of cancellation of sale deed or if the sale deed is already cancelled, he may file suit seeking appropriate declaration.

The writ petition is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

08th November, 2006

Note: Issue CC in ten days.

B/o

ghn

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[1] Unreported judgment of Full Bench in W.P.Nos.9512 of 2003 and batch dated 24.10.2006